REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

On Page 2 of the Office Action, the Patent Examiner has objected to the Amendment filed January 4, 2010 under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. The alleged new matter is "only two webs." The Patent Examiner has required the cancellation of any new matter.

Also on Page 2 of the Office Action, the Patent Examiner has rejected claims 22-31 and 35 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Patent Examiner has objected to the term "only two webs" in claim 22.

In response to this rejection and objection, it is believed that the expression "only two webs" is not new matter. Thus, no new matter has been added. The reasons are as follows:

In the paragraph on Page 8 in lines 12 to 27 of the present Specification as filed, it is explained that a cardan flexibility can be provided by providing two bending axes which run

perpendicular to each other.

In the paragraph bridging pages 8 to 9 of the present Specification, it is stated that "two neighboring rings 9 are joined together by two webs 10" and not by "at least two webs" or by any other number of webs.

Furthermore, in the paragraph on Page 9 in lines 6 to 24 of the present Specification, the description discloses "the two webs" (lines 3 and 6) and in line 8 "the successive pairs of webs." It is common sense that a "pair" comprises a set of two or exactly two, respectively. Additionally, in this paragraph, it is also stated that neighboring pairs of webs are offset by 90° in relation to each other to create the two aforementioned bending axes running perpendicular to each other. This would not work in case that there are more than two webs between each pair of adjacent rings.

For all these reasons, it is believed that the new matter rejection under 35 U.S.C. 132 and the formal rejection under 35 U.S.C. 112 have been overcome and should be withdrawn.

On Page 3 of the Office Action, the Patent Examiner has suggested that nonelected claims 33 and 34 be cancelled. Hence, claims 33 and 34 have now been cancelled.

On Page 3 of the Office Action, the Patent Examiner has rejected claims 22-25, 29, 31, and 35 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Adair*.

On Page 5 of the Office Action, the Patent Examiner has rejected claims 22-29, 31, and 35 under 35 U.S.C. 103(a) as being unpatentable over *Kahn* in view of *Scarazzo* and *Balazs*.

On Page 7 of the Office Action, the Patent Examiner has rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over *Kahn* in view of *Scarazzo* and *Balazs* as applied to claims 22-29, 31, and 35 above, and further in view of *Yamamura*.

Also on Page 7 of the Office Action, the Patent Examiner has rejected claims 22-25, 29, 31, and 35 under 35 U.S.C. 103(a) as being unpatentable over *Balazs* in view of *Adair*.

The Applicant comments upon these prior art rejections as follows.

The present invention is directed to a pipe for carrying gas and/or fluid,

- having a supporting body (2) which consists of a relatively rigid first plastic and has one recess (6) or multiple recesses (6) which pass through the supporting body (2) across the longitudinal direction (7) and are arranged so that the supporting body (2) is flexible in a longitudinal section (8) that is provided with the recess (6) or the recesses (6) and withstands compressive forces acting on the inside and/or outside of the pipe (1) during use of said pipe,
- having a membrane (3) consisting of a relatively soft flexible second plastic arranged on the supporting body (2) so that it seals the recess (6) or recesses (6) and transmits the compressive forces acting on the membrane (3) during use of the pipe (1) to the supporting body (2),
- the membrane (3) is integrally molded on the supporting body (2) or vice versa, wherein,
  - the membrane (3) sheaths the supporting body (2) completely on the inside and/or outside at least in the area of the flexible longitudinal section,
  - the pipe (1) has two end sections (13, 14) designed as connections, each section being formed by a section (15, 16) of the supporting body (2) that is closed on the circumference, with at least one flexible

longitudinal section (8) of the supporting body (2) being arranged between them;

wherein the recesses (6) are arranged in the flexible longitudinal section (8) of the supporting body (2) so that the supporting body (2) remaining in the flexible longitudinal section (8) has rings (9) arranged coaxially with the longitudinal direction (7) of the pipe (1) and side-by-side in the longitudinal direction,

adjacent rings (9) are joined together by only two webs (10) that are diametrically opposed,

with each ring (9) that is arranged between two neighboring rings (9), the only two webs (10) that are connected to the one neighboring ring (9) are arranged so they are offset by 90° with respect to the only two webs (10) connected to the other neighboring ring (9).

The present invention is also directed to a pipe for carrying gas and/or fluid,

- having a supporting body (2) which consists of a relatively rigid first plastic and has one recess (6) or multiple recesses (6) which pass through the supporting body (2) across the longitudinal direction (7) and are arranged so that the supporting body (2) is flexible in a longitudinal section (8) that is provided

with the recess (6) or the recesses (6) and withstands compressive forces acting on the inside and/or outside of the pipe (1) during use of said pipe,

- having a membrane (3) consisting of a relatively soft flexible second plastic arranged on the supporting body (2) so that it seals the recess (6) or recesses (6) and transmits the compressive forces acting on the membrane (3) during use of the pipe (1) to the supporting body (2),
- the membrane (3) is integrally molded on the supporting body (2) or vice versa, wherein,
- the membrane (3) sheaths the supporting body (2) completely on the inside and/or outside at least in the area of the flexible longitudinal section,
- the pipe (1) has two end sections (13, 14) designed as connections, each section being formed by a section (15, 16) of the supporting body (2) that is closed on the circumference, with at least one flexible longitudinal section (8) of the supporting body (2) being arranged between them;

wherein the recesses (6) are arranged in the flexible longitudinal section (8) of the supporting body (2) so that the supporting body (2) remaining in the flexible longitudinal section (8) has rings (9) arranged coaxially

with the longitudinal direction (7) of the pipe (1) and side-by-side in the longitudinal direction,

adjacent rings (9) are joined together by successive pairs of two webs (10) that are diametrically opposed,

with each ring (9) that is arranged between two neighboring rings (9), the successive pairs of two webs (10) that are connected to the one neighboring ring (9) are arranged so they are offset by 90° with respect to the successive pairs of two webs (10) connected to the other neighboring ring (9).

The newly added independent claim 36 is based upon independent claim 22, except that in new claim 36, the terminology "only two webs" was cancelled and replaced by "successive pairs of two webs." Support for this is found on Page 9 in lines 6 to 24 of the present Specification. The prior art references fail to teach or to suggest the structure of new claim 36.

The *Adair U.S. Patent No. 5,325,845* teaches a removable catheter 18 which is extendable through steering mechanism 16 and sheath body 12. (See column 5 lines 24 and 25). Catheter 18 has a first pair of control wires 30 and 32, and a second pair of

control wires 34 and 36. (See column 5 lines 40 to 41). Wires 30 and 32 are governed by control knob 48, and wires 34 and 36 are governed by control knob 64. (See column 5 lines 54 and 66). The catheter 18 contains laser fiber bundle 72 or fiber optic bundle 76 (See column 6 lines 15 to 21).

Because *Adair* teaches a catheter, this reference is nonanalogous prior art to the claimed pipe for carrying gas and/or fluid. Also *Adair* fails to teach or to suggest

- having a supporting body (2) which consists of a relatively rigid first plastic and has one recess (6) or multiple recesses (6) which pass through the supporting body (2) across the longitudinal direction (7) and are arranged so that the supporting body (2) is flexible in a longitudinal section (8) that is provided with the recess (6) or the recesses (6) and withstands compressive forces acting on the inside and/or outside of the pipe (1) during use of said pipe,
- having a membrane (3) consisting of a relatively soft flexible second plastic arranged on the supporting body (2) so that it seals the recess (6) or recesses (6) and transmits the compressive forces acting on the membrane (3) during use of the pipe (1) to the supporting body (2), and wherein

- the membrane (3) is integrally molded on the supporting body (2) or vice versa.

This is because *Adair* is limited to the use of two sets of guide wires and control knobs which could not withstand the compressive forces acting on the inside and/or the outside of the pipe, all as claimed.

The deficiencies in the teachings of the primary reference *Adair* are not overcome by the teachings of the following secondary references, as follows.

The *Scarazzo U.S. Patent No. 5,678,610* discloses a composite tube 10 having inner tube 11 having a central corrugated portion 12, and a reinforcing tube 15 surrounding the inner tube 11 (See column 3 lines 35 to 40).

The *Balazs U.S. Patent No. 6,012,494* in column 4 in lines 60 to 65 discloses a structure having segments 21 between notches 11; and these segments are joined to form a one-piece bendable structure by a segmental residual cross-section region 31.

The *Yamamura U.S. Patent No. 6,116,288* in column 2 in lines 5 to 10 discloses a main body 11 provided with bellows 12 and

reinforcements 21.

The *Kahn U.S. Patent No. 2,968,321* discloses a conduit sheath 22 having inwardly displaced wall portions 24 with a valley portion 26. There are longitudinally extending peak portions 28 overlying strands 17 and intersecting peak portions 27 (See column 3 lines 50 to 70).

All of the other reasons for patentability of the present invention as set forth in the Amendment previously filed on January 4, 2010, are herewith incorporated by reference.

For all these reasons, none of the prior art references provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner.

Withdrawal of these grounds of rejection is respectfully requested.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,
Ian LAWRENCE

Frederick J. Dorchak, Reg. No.29,29
Edward R. Freedman, Reg. No. 26,048
Attorneys for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

ERF:lgh

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 27, 2010.

Kelly Espitia

R:\Patents\LM\LAWRENCE. I-1PCT\amendment july 2010.wpd